



**A BILL FOR AN ORDINANCE**

TO AMEND CHAPTER 16, REVISED ORDINANCES OF HONOLULU 1990, AS AMENDED, RELATING TO BUILDING CODE.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Purpose and intent. The purpose of this Ordinance is to amend Article 10 of the Building Code Ordinance, Revised Ordinances of Honolulu 1990 Chapter 16.

SECTION 2. Section 16-10.2, Revised Ordinances of Honolulu 1990, as amended ("Notice of Violation"), is amended by amending subsection (a) thereof to read as follows:

"(a) Whenever any person, firm or corporation violates any provisions of this code, the building official shall serve a notice of violation to the party responsible for the violation to make the building or structure or portion thereof comply with the requirements of this code. A notice of violation must be served upon responsible persons either personally or by certified mail. However, if the whereabouts of such persons are unknown and the same cannot be ascertained by the building official in the exercise of reasonable diligence and the building official provides an affidavit to that effect, then a notice of violation may be served by publishing the same once each week for two consecutive weeks in a daily or weekly publication in the city pursuant to HRS Section 1-28.5."

SECTION 3. Section 16-10.4, Revised Ordinances of Honolulu 1990, as amended is amended to read as follows:

**"Sec. 16-10.4 Administrative enforcement.**

In lieu of or in addition to enforcement pursuant to Section 16-10.3, if the building official determines that any person, firm or corporation is not complying with a notice of violation, the building official may have the party responsible for the violation served, by certified mail or delivery, with an order pursuant to this section.

(a) Contents of the Order.

(1) The order may require the party responsible for the violation to do any or all of the following:

(A) Correct the violation within the time specified in the order;



A BILL FOR AN ORDINANCE

- (B) Pay a civil fine not to exceed \$2,000.00 in the manner, at the place and before the date specified in the order;
  - (C) Pay a civil fine not to exceed \$2,000.00 per day for each day in which the violation persists, in the manner and at the time and place specified in the order.
- (2) The order shall advise the party responsible for the violation that the order shall become final 30 calendar days after the date of its delivery. The order shall also advise that the building official's action may be appealed to the building board of appeals.

(b) Service of Notice of Order. A notice of order must be served upon responsible persons either personally or by certified mail. However, if the whereabouts of such persons are unknown and the same cannot be ascertained by the building official in the exercise of reasonable diligence and the building official provides an affidavit to that effect, then a notice of order may be served by publishing the same once each week for two consecutive weeks in a daily or weekly publication in the city pursuant to HRS Section 1-28.5.

~~(b)~~(c) Effect of Order—Right to Appeal. The provisions of the order issued by the building official under this section shall become final 30 calendar days after the date of the delivery of the order. The party responsible for the violation may appeal the order to the building board of appeals as provided in Chapter 16. The appeal must be received in writing on or before the date the order becomes final. However, an appeal to the building board of appeals shall not stay any provisions of the order.

~~(c)~~(d) Judicial Enforcement of Order. The building official may institute a civil action in any court of competent jurisdiction for the enforcement of any order issued pursuant to this section. Where the civil action has been instituted to enforce the civil fine imposed by said order, the building official need only show that the notice of violation and order were served, that a civil fine was imposed, the amount of the civil fine imposed and that the fine imposed has not been paid."

SECTION 4. Ordinance material to be repealed is bracketed; new material is underscored. When revising, compiling, or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the revisor of ordinances need not include the brackets, the bracketed material, or the underscoring.



A BILL FOR AN ORDINANCE

SECTION 5. This ordinance takes effect upon its approval.

INTRODUCED BY:

Ernest Martin (BR)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DATE OF INTRODUCTION:

October 30, 2014  
Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Don S. Kitaoka  
Deputy Corporation Counsel DON S. KITAOKA

APPROVED this 22nd day of June, 2015.

Kirk Caldwell  
KIRK CALDWELL, Mayor  
City and County of Honolulu

CITY COUNCIL  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII  
CERTIFICATE

ORDINANCE 15-16

BILL 67 (2014), CD1

Introduced: 10/30/14

By: ERNEST MARTIN (BR)

Committee: ZONING AND PLANNING

Title: A BILL FOR AN ORDINANCE TO AMEND CHAPTER 16, REVISED ORDINANCES OF HONOLULU 1990, AS AMENDED, RELATING TO BUILDING CODE.

Voting Legend: \* = Aye w/Reservations

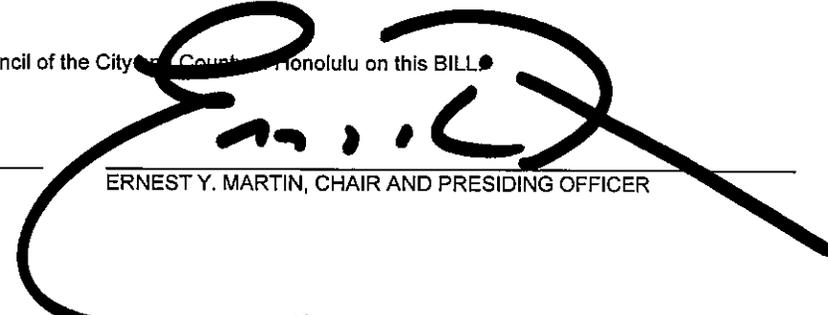
NOTE: EFFECTIVE NOVEMBER 4, 2014, COUNCILMEMBER BREENE HARIMOTO, REPRESENTING COUNCIL DISTRICT VIII, RESIGNED FROM OFFICE. (Refer to Communication CC-245)

NOTE: BRANDON ELEFANTE WAS SWORN IN AND TOOK OFFICE AS A MEMBER OF THE HONOLULU CITY COUNCIL ON WEDNESDAY, NOVEMBER 12, 2014 REPRESENTING DISTRICT VIII.

11/12/14	COUNCIL	BILL PASSED FIRST READING AND REFERRED TO COMMITTEE ON ZONING AND PLANNING. 8 AYES: ANDERSON, CHANG, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE. 1 ABSENT: MARTIN.
		NOTE: COUNCILMEMBER OZAWA TOOK OFFICE ON FRIDAY, JANUARY 2, 2015.
02/07/15	PUBLISH	PUBLIC HEARING NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER.
02/12/15	ZONING AND PLANNING	CR-53(15) – BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON SECOND READING AND SCHEDULING OF A PUBLIC HEARING AS AMENDED IN CD1 FORM.
02/18/15	COUNCIL/PUBLIC HEARING	CR-53(15) ADOPTED. BILL PASSED SECOND READING AS AMENDED, PUBLIC HEARING CLOSED AND REFERRED TO COMMITTEE ON ZONING AND PLANNING. 9 AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MARTIN, MENOR, OZAWA, PINE.
02/25/15	PUBLISH	SECOND READING NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER.
05/28/15	ZONING AND PLANNING	CR-216(15) – BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON THIRD READING.
06/03/15	COUNCIL	CR-216(15) ADOPTED AND BILL 67 (2014), CD1 PASSED THIRD READING. 9 AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MARTIN, MENOR, OZAWA, PINE.

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this BILL.

  
GLEN TAKAHASHI, CITY CLERK

  
ERNEST Y. MARTIN, CHAIR AND PRESIDING OFFICER